

REMARKS

The Applicant respectfully requests reconsideration of the present application in view of the reasons that follow.

Claims 1-6 and 8-31 are currently pending in this application. No claims are amended.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate status identifier for each claim.

Claim Rejections – 35 U.S.C. § 103(a)

a. Rejection of claims 1-5, 8-13, 15-21, and 23-29 based on Bork et al. in view of Hendrey et al.

In section 3 of the Office Action, claims 1-5, 8-13, 15-21, and 23-29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bork et al. (U.S. Patent No. 6,246,376) in view of Hendrey et al. (U.S. Patent No. 6,542,750). To establish prima facie obviousness of a claimed invention under 35 U.S.C. § 103(a), all the claim limitations must be taught or suggested by the prior art (see M.P.E.P. § 2143.03). The Applicant respectfully submits that the combination of Bork et al. and Hendrey et al. does not teach or suggest at least one element of each of claims 1-5, 8-13, 15-21, and 23-29.

i. Claims 1-5

The Applicant respectfully submits that the Office Action fails to establish a prima facie case of obviousness with respect to claim 1 because the combination of Bork et al. and Hendrey et al. fails to teach or suggest “listing each identifier on a display, wherein the list is sorted in order of at least one of distance and direction from the handheld computer” as recited in the combination of steps of claim 1.

The Office Action states that “Hendrey teaches a method and system for selectively connecting mobile users for communication based on physical proximity that includes a communication device (Fig. 2 [201]) with a proximity sorting system. (Fig. 2[222], Col. 1 lines 14-19 and Col. 10 lines 1-21).” The Applicant respectfully submits that, viewed as a whole, Hendrey at col. 9, line 54 – col. 10, line teaches that a user initiates a matchmaking request, and that a separate matchmaker 107 creates a list of best matches using information that is not provided to the user for display. The matchmaking system simply initiates a connection after identifying a callee based on the information. With regard to Fig. 2 and item 222, the Applicant submits that, viewed as a whole, Hendrey teaches that group members within a maximum distance are selected, but does not teach that members of a group list 220 are sorted in group list 220 based on distance values in distance entry 222. Thus, the Applicant respectfully submits that the combination of Bork et al. and Hendrey et al. fails to teach or suggest “listing each identifier on a display, wherein the list is sorted in order of at least one of distance and direction from the handheld computer” as recited in the combination of steps of claim 1.

Accordingly, the Applicant respectfully submits that the Office Action fails to establish a prima facie case of obviousness with respect to claim 1, and respectfully requests that the rejection of claim 1 under 35 U.S.C. § 103(a) be withdrawn. Additionally, claims 2-5 depend from claim 1 and are thus patentable for at least the same reasons as claim 1. See 35 U.S.C. § 112 ¶ 4. Accordingly, the Applicant respectfully requests that the rejection of claims 2-5 under 35 U.S.C. § 103(a) be withdrawn as well.

ii. **Claims 8-13 and 15**

The Applicant respectfully submits that the Office Action fails to establish a prima facie case of obviousness with respect to claim 8 because the combination of Bork et al. and Hendrey et al. fails to teach or suggest “listing the one or more local area computing devices on a display, wherein the list is sorted in order of at least one of distance and direction from the handheld computer” as recited in the combination of steps of claim 8.

The Office Action states that “Hendrey teaches a method and system for selectively connecting mobile users for communication based on physical proximity that includes a communication device (Fig. 2 [201]) with a proximity sorting system. (Fig. 2[222], Col. 1 lines 14-19 and Col. 10 lines 1-21)” and that “Hendrey teaches a message with location information and a request for match making with a closely located user (Col. 9, lines 54-67).” The Applicant respectfully submits that, viewed as a whole, Hendrey at col. 9, line 54 – col. 10, line teaches that a user initiates a matchmaking request, and that a separate matchmaker 107 creates a list of best matches using information that is not provided to the user for display. The matchmaking system simply initiates a connection after identifying a callee based on the information. With regard to Fig. 2 and item 222, the Applicant submits that, viewed as a whole, Hendrey teaches that group members within a maximum distance are selected, but does not teach that members of a group list 220 are sorted in group list 220 based on distance values in distance entry 222. Thus, the Applicant respectfully submits that the combination of Bork et al. and Hendrey et al. fails to teach or suggest “listing the one or more local area computing devices on a display, wherein the list is sorted in order of at least one of distance and direction from the handheld computer” as recited in the combination of steps of claim 8.

Accordingly, the Applicant respectfully submits that the Office Action fails to establish a prima facie case of obviousness with respect to claim 8, and respectfully requests that the rejection of claim 8 under 35 U.S.C. § 103(a) be withdrawn. Additionally, claims 9-13 and 15 depend from claim 8 and are thus patentable for at least the same reasons as claim 8. See 35 U.S.C. § 112 ¶ 4. Accordingly, the Applicant respectfully requests that the rejection of claims 9-13 and 15 under 35 U.S.C. § 103(a) be withdrawn as well.

iii. Claims 16-21 and 23

The Applicant respectfully submits that the Office Action fails to establish a prima facie case of obviousness with respect to claim 16 because the combination of Bork et al. and Hendrey et al. fails to teach or suggest “wherein the processor instructs the display to list a plurality of other computing devices located within range of the transmitter, sorted in order of at least one of the distance and the direction from the wireless communication device” as recited in the combination of elements of claim 16.

The Office Action states that “Hendrey teaches a method and system for selectively connecting mobile users for communication based on physical proximity that includes a communication device (Fig. 2 [201]) with a proximity sorting system. (Fig. 2[222], Col. 1 lines 14-19 and Col. 10 lines 1-21)” and that “Hendrey teaches a message with location information and a request for match making with a closely located user (Col. 9, lines 54-67).” The Applicant respectfully submits that, viewed as a whole, Hendrey at col. 9, line 54 – col. 10, line teaches that a user initiates a matchmaking request, and that a separate matchmaker 107 creates a list of best matches using information that is not provided to the user for display. The matchmaking system simply initiates a connection after identifying a callee based on the information. With regard to Fig. 2 and item 222, the Applicant submits that, viewed as a whole, Hendrey teaches that group members within a maximum distance are selected, but does not teach that members of a group list 220 are sorted in group list 220 based on distance values in distance entry 222. Thus, the Applicant respectfully submits that the combination of Bork et al. and Hendrey et al. fails to teach or suggest “wherein the processor instructs the display to list a plurality of other computing devices located within range of the transmitter, sorted in order of at least one of the distance and the direction from the wireless communication device” as recited in the combination of elements of claim 16.

Accordingly, the Applicant respectfully submits that the Office Action fails to establish a prima facie case of obviousness with respect to claim 16, and respectfully requests that the rejection of claim 16 under 35 U.S.C. § 103(a) be withdrawn. Additionally, claims 17-21 and 23 depend from claim 16 and are thus patentable for at least the same reasons as claim 16. See 35 U.S.C. § 112 ¶ 4. Accordingly, the Applicant respectfully requests that the rejection of claims 17-21 and 23 under 35 U.S.C. § 103(a) be withdrawn as well.

iv. Claims 24-29

The Applicant respectfully submits that the Office Action fails to establish a prima facie case of obviousness with respect to claim 24 because the combination of Bork et al. and Hendrey et al. fails to teach or suggest “wherein the list is sorted by at least one of distance and direction from the handheld computer” as recited in the combination of elements of claim 24.

The Office Action states that “Hendrey teaches a method and system for selectively connecting mobile users for communication based on physical proximity that includes a communication device (Fig. 2 [201]) with a proximity sorting system. (Fig. 2[222], Col. 1 lines 14-19 and Col. 10 lines 1-21).” The Applicant respectfully submits that, viewed as a whole, Hendrey at col. 9, line 54 – col. 10, line teaches that a user initiates a matchmaking request, and that a separate matchmaker 107 creates a list of best matches using information that is not provided to the user for display. The matchmaking system simply initiates a connection after identifying a callee based on the information. With regard to Fig. 2 and item 222, the Applicant submits that, viewed as a whole, Hendrey teaches that group members within a maximum distance are selected, but does not teach that members of a group list 220 are sorted in group list 220 based on distance values in distance entry 222. Thus, the Applicant respectfully submits that the combination of Bork et al. and Hendrey et al. fails to teach or suggest “wherein the list is sorted by at least one of distance and direction from the handheld computer” as recited in the combination of elements of claim 24.

Accordingly, the Applicant respectfully submits that the Office Action fails to establish a prima facie case of obviousness with respect to claim 24, and respectfully requests that the rejection of claim 24 under 35 U.S.C. § 103(a) be withdrawn. Additionally, claims 25-29 depend from claim 24 and are thus patentable for at least the same reasons as claim 24. See 35 U.S.C. § 112 ¶ 4. Accordingly, the Applicant respectfully requests that the rejection of claims 25-29 under 35 U.S.C. § 103(a) be withdrawn as well.

b. Rejection of claims 6, 14, 22, 30, and 31 based on Bork et al. in view of Hendrey et al. and further in view of Kikinis et al.

In section 5 of the Office Action, claims 6, 14, 22, 30, and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bork et al. in view of Hendrey et al., and further in view of Kikinis et al. (U.S. Patent No. 6,389,290).

i. Claim 6

Claim 6 depends from claim 1. As explained above, the combination of Bork et al. in view of Hendrey et al. does not teach, disclose, or suggest the subject matter of claim 1. As to Kikinis et al., it fails to disclose any of the steps of claim 1 mentioned above that are lacking in the cited combination of Bork et al. in view of Hendrey et al. Because the cited combination of Bork et al. in view of Hendrey et al., and further in view of Kikinis et al. fails to disclose all of the steps of claim 1 as combined therein, and because claim 6 depends from claim 1, claim 6 is patentable over the cited combination of references for at least the same reasons as claim 1. Accordingly, the Applicant requests that the rejection of claim 6 under 35 U.S.C. § 103(a) be withdrawn.

ii. Claim 14

Claim 14 depends from claim 8. As explained above, the combination of Bork et al. in view of Hendrey et al. does not teach, disclose, or suggest the subject matter of claim 8. As to Kikinis et al., it fails to disclose any of the steps of claim 8 mentioned above that are lacking in the cited combination of Bork et al. in view of Hendrey et al. Because the cited combination of Bork et al. in view of Hendrey et al., and further in view of Kikinis et al. fails to disclose all of the steps of claim 8 as combined therein, and because claim 14 depends from claim 8, claim 14 is patentable over the cited combination of references for at least the same reasons as claim 8. Accordingly, the Applicant request that the rejection of claim 14 under 35 U.S.C. § 103(a) be withdrawn.

iii. Claim 22

Claim 22 depends from claim 16. As explained above, the combination of Bork et al. in view of Hendrey et al. does not teach, disclose, or suggest the subject matter of claim 16. As to Kikinis et al., it fails to disclose any of the elements of claim 16 mentioned above that are lacking in the cited combination of Bork et al. in view of Hendrey et al. Because the cited combination of Bork et al. in view of Hendrey et al., and further in view of Kikinis et al. fails to disclose all of the elements of claim 16 as combined therein, and because claim 22 depends from claim 16, claim 22 is patentable over the cited combination of references for at least the same reasons as claim 16. Accordingly, the Applicant requests that the rejection of claim 22 under 35 U.S.C. § 103(a) be withdrawn.

iv. Claims 30 and 31

Claims 30 and 31 depend from claim 24. As explained above, the combination of Bork et al. in view of Hendrey et al. does not teach, disclose, or suggest the subject matter of claim 24. As to Kikinis et al., it fails to disclose any of the elements of claim 24 mentioned above that are lacking in the cited combination of Bork et al. in view of Hendrey et al. Because the cited combination of Bork et al. in view of Hendrey et al., and further in view of Kikinis et al. fails to disclose all of the elements of claim 24 as combined therein, and because claims 30 and 31 depend from claim 24, claims 30 and 31 are patentable over the cited combination of references for at least the same reasons as claim 24. Accordingly, the Applicant requests that the rejection of claims 30 and 31 under 35 U.S.C. § 103(a) be withdrawn.

Conclusion

The Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

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